

**RECEIVED
CENTRAL FAX CENTER****DEC 18 2007**App. No. 10/590,420
Office Action Dated September 18, 2007**REMARKS**

Favorable reconsideration is respectfully requested in view of the above amendments and following remarks. Claim 1 has been amended. The limitation in claim 1 concerning the glass compositing comprising the following components in mol%: 40 to 85 GeO₂; 0.5 to 33 Al₂O₃; 0 to 30 Li₂O; 0 to 30 Na₂O; 0 to 30 K₂O; 0.5 to 35 MgO; 0 to 30 CaO; 0 to 30 SrO; 0 to 30 BaO; 0 to 25 ZnO; 0 to 10 TiO₂; 0 to 5 ZrO₂; and 0 to 20 SiO₂, wherein the total of MgO+CaO+SrO+BaO+ZnO+Li₂O+Na₂O+K₂O is in the range of 3 to 40 mol%, the glass composition further includes bismuth oxide, and the content of bismuth oxide in terms of Bi₂O₃ is 0.01 to 15 mol%, is supported by for example previous claim 15 and page 13, line 1 to page 16, line 16 of the specification. Claims 7-10 and 13-15 have been canceled without prejudice or disclaimer. No new matter has been added. Claims 1-6, 11-12 and 16-18 are pending.

Applicants respectfully note that the formalities of the priority claims have been perfected, as acknowledged on the Office Action Summary. Applicants are not conceding the correctness of the position taken by the Examiner in the international stage.

Claim rejections - 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is rendered moot, as claim 1 has been revised and does not include the phrase "main component."

Withdrawal of the rejection is respectfully requested.

Claim rejections - 35 U.S.C. § 102/103

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakui et al. (USP 7,170,674). Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakui et al. (USP 7,170,674). Applicants respectfully traverse the rejections.

Claim 1 requires the glass composition to include MgO in the range of 0.5 to 35 mol%. MgO is an important glass network modifier, and improves the meltability of a raw material batch. The advantageous effect of including MgO in the glass composition is indicated in the results described for example in Tables 1 and 2 of the specification (compare Sample 1 of Table 1 and Sample 12 of Table 2 for example).

Kakui teaches a Bi-doped fluorescent glass composition that includes at least one oxide selected from SiO₂, GeO₂, and P₂O₅ (see col. 2, lines 22-27). Kakui further teaches including at

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least one oxide selected from BaO, CaO, Na₂O, B₂O₃, Ga₂O₃, Ta₂O₅ and Nb₂O₅ with a codopant of Al or La (see col. 2, lines 34-37). The rejection refers to working examples, samples D, F and G of Kakui. Sample D has a composition made of Na₂O (5 mol%), Al₂O₃ (5 mol %), GeO₂ (90 mol %), and Bi₂O₃ (0.8 mol %; see col. 5, lines 21-24). Sample F has a composition made of CaO (5 mol %), Al₂O₃ (5 mol%), GeO₂ (90 mol%) and Bi₂O₃ (0.8 mol%; see col. 3, lines 54-57). Sample G has a composition made of Na₂O (5 mol %), Al₂O₃ (5 mol %), GeO₂ (90 mol %) and Bi₂O₃ (0.8 mol %; see col. 5, lines 57-59). However, samples D, F and G do not include MgO. In fact, nothing in Kakui teaches or even suggests the use of MgO along with Al₂O₃ and GeO₂. Therefore, claim 1 and the dependent claims therefrom are patentable over Kakui.

Double Patenting

Claims 1-4 and 6-18 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-14, 17-18 and 21 of copending Application No. 10/540048. Applicants respectfully traverse the rejection.

Claim 1 requires the presence of 0.5 to 35 mol% MgO along with 40 to 85 mol% GeO₂, 0.5 to 33 Al₂O₃ and 0.01 to 15 mol % Bi₂O₃. On the other hand, the claims of the '048 application do not recite or suggest such a feature. Therefore, Applicants respectfully submit that the scope of the present claims are patentably distinct over the claims of the '048 application.

If the Examiner desires, Applicants will provide a form 1449 listing the references of record in the copending case, and request the Examiner to contact the undersigned if it is desired.

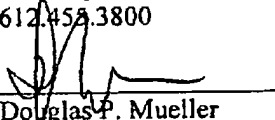
In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the attorney-of-record, Douglas P. Mueller, Reg. No. 30,300, at (612) 455.3804.

Respectfully Submitted,



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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
PO Box 2902
Minneapolis, MN 55402
612.455.3800


Douglas P. Mueller
Reg. No.: 30,300
DPM/ym